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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/098,650

03/15/2002

Bernhard Jakoby

10191/2310

7377

26646

7590

04/04/2003

KENYON & KENYON
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NEW YORK, NY 10004

EXAMINER

POLITZER, JAY L

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/098,650

Applicant(s)

Bernhard et al

Examiner

Jay Politzer

Art Unit

2856



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 25, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-11, and 13-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11, and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Art Unit: 2856

Title: MEASURING SYSTEM FOR A VISCOSITY MEASUREMENT OF
LIQUIDS

Filed: 3/15/02

Inventor(s): Bernhard et al

DETAILED ACTION

REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 103:

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

2. Claims 1-7, 9-11 and 13-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Martin et al, hereinafter Martin in view of Igaki et al, hereinafter Igaki and further in view of Buchanan et al, hereinafter Buchanan.

Regarding Claims 1-4; Martin teaches the entire claim in the introduction except for the use of conductive adhesive coupling and an immersible container for mounting the crystal. Igaki teaches the benefits of conductive adhesive couplings at Col 5, Li 37-61. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Igaki's

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conductive adhesive couplings in Martin to isolate the piezo element from shock and vibration. Buchanan teaches an immersible container in the Fig 4. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount Martin's crystal in a protective container and for convenience in testing different samples as shown in Fig 4.

Regarding Claim 5; see Martin, P 214, top of Col 2.

Regarding Claims 6 and 17; see Igaki, Col 5, Li 41-60.

Regarding Claim 7; neither Martin nor Igaki teach bifurcated contact spring conductors. It would have been obvious to one of ordinary skill in the art at the time of the invention to use bifurcated contact spring conductors because these have been used since the early days of radio for interchangeable quartz crystals.

Regarding Claims 9 and 11; see bushing at top center of Fig 2 with two conductors.

Regarding Claim 10; Martin fails to teach glass bushings. However, it is notoriously old and well known in the electrical arts to employ glass feed-throughs for protection and insulation.

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Regarding Claims 12-13; see openings 10 and 12 of Buchanan's Fig 1 wherein the openings are in the side and bottom. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide openings in the top as well because the upper opening is merely to vent air.

Regarding Claims 15-16; see Igaki, Col 6, Li 1-5.

Regarding Claim 18; see Igaki, Col 19, Li 23.

Regarding Claim 19; for densities of gold, nickel and resin of 19.3gm/cc, 8.9gm/cc and 1gm/cc, respectively, 1cc of metal meets the claim requirement and is given by Igaki at Col 7, Li 44.

Regarding Claim 14; it is obvious that almost any container is hermetically sealable.

DESCRIPTION OF UNAPPLIED ART:

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it teaches other viscometers.

FINAL ACTION:

4. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

REMARKS:

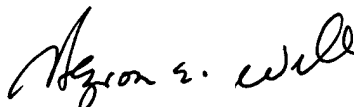
5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

INQUIRIES:

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jay L. Politzer whose telephone number is (703) 305-4930 and whose facsimile number is (703) 308-7382
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached at (703) 305-4705.
8. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.

jlp 4/1/03

72P



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800